

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-36 in the application. In previous responses, the Applicants amended Claims 1, 3, 13, 27, 35 and 36. No claims were added or cancelled. In the present response, the Applicants amend Claims 1, 3, 9, 13, 17-23, 27 and 33 to put the pending claims in condition for allowance by removing informalities and more particularly pointing out the subject matter of the claims. Accordingly, Claims 1-36 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has objected to Claims 13 and 17-23 due to informalities. In response, the Applicants have amended Claims 13 and 17-23 to correct these informalities. Accordingly, the Applicants respectfully requests the Examiner to withdraw the objection of Claims 13 and 17-23 and allow issuance thereof.

II. Rejection of Claims 1-12 and 27-34 under 35 U.S.C. §112

The Examiner has rejected Claims 1-12 and 27-34 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, the Applicants have amended Claims 1, 3, 9, 27 and 33 to more distinctly claim the subject matter. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §112, second paragraph, rejection and allow issuance of Claims 1-12 and 27-34.

III. Rejection of Claims 27-32 and 35-36 under 35 U.S.C. §102

The Examiner has rejected Claims 27-32 and 35-36 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,148,213 to Bertocci, *et al.* The Examiner asserts that Bertocci teaches each and every element of independent Claims 27, 35 and 36. (Examiner's Action, page 3). The Applicants respectfully disagree since Bertocci does not teach at least one extension answering device incapable of initiating a telephone call as stated in independent Claims 27, 35 and 36.

Bertocci is directed to a cordless telephone having a telephone answering device interrogatable from a portable unit associated with the telephone. (Column 1, lines 9-12). The portable unit of Bertocci, however, is capable of initiating a telephone call. (Column 3, lines 6-11). Thus, Bertocci does not teach each and every element of independent Claims 27, 35 and 36.

The Examiner asserts independent Claims 27, 35 and 36 do not make a statement as to when the capability being claimed is or is not excluded and since the portable device is not capable of initiating a telephone call when the telephone line is being used, then Bertocci teaches an extension device incapable of initiating a telephone call. (Examiner's Final Action, page 3). Accordingly, the portable device of Bertocci has limited capability or, limited incapability, to initiate a telephone call. This differs from the extension device as recited in independent Claims 27, 35 and 36 that has no incapability limit but is incapable of initiating a telephone call regardless of conditions, such as, when a telephone line is being used. The Applicants believe independent Claims 27, 35 and 36 clearly reflect this difference since incapable as used in the Claims does not denote any conditions that are required to render the extension device incapable of initiating a telephone call.

Since Bertocci does not teach an extension answering device incapable of initiating a telephone call, Bertocci is not an anticipating reference of independent Claims 27, 35 and 36. Because Claims 28-32 are dependent upon Claim 27, Bertocci also cannot be an anticipating reference for Claims 28-32. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(a) rejection with respect to Claims 27-32 and 35-36.

IV. Rejection of Claims 13-18, 20-23 and 27-32 under 35 U.S.C. §102

The Examiner has rejected Claims 13-18, 20-23 and 27-32 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,104,923 to Kite. The Applicants respectfully disagree.

Kite is directed to an externally audible remote screening device to be used for or with a call receiving and storage device including call answering machine, service, device, or message storage. (Column 4, lines 22-26). Kite teaches an answering machine having volume control independent from a volume control of the remote unit that enables a user to reduce audible detection during screening at the answering machine separately from audible detection at the remote unit. (Column 18, lines 36-59). The independent volume control taught by Kite, however, does not allow a user at the answering machine to completely enable or disable screening at the answering machine independent of enabling or disabling screening at the remote unit as recited in independent Claims 13 and 27. Instead, Kite simply relies on turning-down the volume at the answering machine when screening is not desired at the answering machine but is desired at the remote unit. In Kite, therefore, a user can not completely enable or disable screening at the answering machine without enabling or disabling screening at the remote. Thus, completely enabling/disabling screening at the answering machine is not independent from enabling/disabling screening at the remote unit in Kite. Kite,

therefore, does not teach each and every element claimed in Claims 13 and 27 and discussed in the specification on Page 12, lines 20-23.

Thus, Kite is not an anticipating reference of independent Claims 13 and 27 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(a) rejection with respect to Claims 13-18, 20-23 and 27-32.

V. Rejection of Claims 25-26 under 35 U.S.C. §103

The Examiner has rejected Claims 25-26 under 35 U.S.C. §103(a) as being unpatentable over Kite in view of U.S. Patent Application Publication No. 2002/0002707 to Ekel, *et al.* (Ekel). As discussed above, Kite does not teach each and every element of independent Claim 13 since Kite does not teach completely enabling or disabling screening at an answering machine independent of enabling or disabling screening at a remote unit. Kite, therefore, does not teach or suggest each and every element of Claim 13.

Ekel is directed to remotely controlling the presentation of content using a computer (Page 1, paragraph 6). Ekel has not been cited to cure the deficiencies of Kite as discussed above with respect to independent Claim 13 but has been cited to disclose Bluetooth compliant communication. (Examiner's Final Action, page 4). Thus, the cited combination of Kite and Ekel fails to teach or suggest the invention recited in Claims 25-26 which includes each and every element of independent Claim 13. Kite and Ekel, therefore, do not present a *prima facie* case of obviousness of Claims 25-26. Accordingly, the Applicants respectfully request the Examiner withdraw the U.S.C. §103(a) rejection of Claims 25-26.

VI. Rejection of Claims 19 under 35 U.S.C. §103

The Examiner has rejected Claim 19 under 35 U.S.C. §103(a) as being unpatentable over Kite in view of WO 94/27394 to Sacher, *et al.* (Sacher). Sacher is directed to a personal office receptionist that effectively handles voice message reception operations (Abstract).

As discussed above, Kite does not teach or suggest each and every element of independent Claim 13. Sacher has not been cited to cure the deficiencies of Kite but to teach multiple mailboxes of a main unit. (Examiner's Final Action, page 5). Thus, the cited combination of Kite and Sacher fails to teach or suggest the invention recited in Claim 19 which includes each and every element of independent Claim 13. The cited combination of Kite and Sacher, therefore, does not present a *prima facie* case of obviousness of Claim 19. Accordingly, the Applicants respectfully request the Examiner withdraw the U.S.C. §103(a) rejection of Claim 19 and allow issuance thereof.

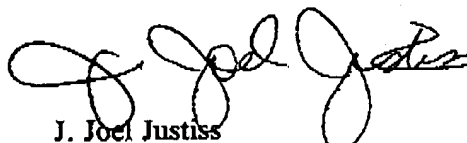
VII. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-36.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.


J. Joel Justiss
Registration No. 48,981

Dated: 7/6/04

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800